

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

**NATIONAL BOARD OF MEDICAL
EXAMINERS *et al.*,**

Plaintiffs,

V.

OPTIMA UNIVERSITY LLC *et al.*,

Defendants.

Civil Action No. 09-1043-JDB

NOTICE OF FILING

EXHIBIT B



***United States Attorney
District of New Jersey***

FOR IMMEDIATE RELEASE
July 7, 2011
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**OPTIMA UNIVERSITY OWNERS CHARGED WITH STEALING
TEST QUESTIONS FROM MEDICAL LICENSING EXAM**

NEWARK, N.J. – A Newark grand jury returned an Indictment today charging that the owners and operators of Optima University, a Totowa, N.J., test preparation business, stole licensing examination questions from the National Board of Medical Examiners (“NBME”) and used them in their preparation courses, U.S. Attorney Paul J. Fishman announced.

Eihab Suliman, 48, and his former wife, Egija Kuka, 38, both of Elizabeth, N.J., are each charged with one count of conspiracy to commit mail and wire fraud; two counts of wire fraud; and three counts of mail fraud. The defendants remain at large.

“State medical boards protect the public by permitting only individuals who have met strict criteria to practice medicine,” said U.S. Attorney Fishman. By allegedly stealing the questions for a business advantage, the defendants made it possible for their customers to pass the boards without the minimal knowledge and skills for safe and effective practice.”

“Ensuring the competence of our medical professionals is paramount to maintaining the quality of healthcare in this country,” said Michael B. Ward, Special Agent in Charge of the FBI’s Newark field office. “In this instance, USMLE exam questions were allegedly fraudulently obtained by the owners of Optima University and illegally provided to its students to inflate test results and thus, indirectly drive enrollment and tuition. The importance of this investigation lies with ensuring the quality of medical school graduates via USMLE certification is fair, honest, and accurate.”

According to documents filed in this case:

Optima University was a test preparation business that provided courses designed to prepare students for the United States Medical Licensing Examination (“USMLE”), which is created and administered by NBME, an independent, not-for-profit organization headquartered in Philadelphia.

The USMLE is used by medical licensing authorities throughout the United States to evaluate physicians seeking an initial license to practice medicine. Medical school graduates – whether they graduate from a United States medical school or a foreign medical school – generally must complete at least some parts of the USMLE as a prerequisite to enter into residency training or receive a medical license in the United States.

The USMLE consists of several component “steps,” among which are three computer-administered, multiple choice tests. These exams are given numerous times throughout the year at various test centers in the United States and abroad, including in Milan, Italy, through the Educational Commission for Foreign Medical Graduates. Test questions for any given exam are randomly drawn from a pool of proprietary questions, and NBME takes measures to keep test questions secure. All examinees agree to abide by USMLE guidelines which prohibit bringing any personal items into or out of secure test centers, including electronic devices. Examinees are also advised that the test questions used in the USMLE are copyrighted and that any unauthorized distribution or reproduction, including by memorizing and reconstructing the questions, is prohibited.

Beginning in approximately December 2007, Suliman and Kuka solicited potential Optima University students by guaranteeing that they would pass the USMLE if they enrolled at Optima University, even if they had previously failed it. Suliman and Kuka also assured potential students that any tuition paid would be “risk-free,” and that any student who did not pass the USMLE could retake the Optima course at no additional cost.

The FBI launched an investigation into Suliman and Kuka after NBME staff discovered unusually low scores and unusual response patterns on multiple exams taken by Kuka.

After using fraudulent documents to register Kuka to take the exam, Kuka and Suliman traveled to Milan in April 2008, where Kuka was captured on surveillance video recording the live test questions that were displayed on the computer monitor using a small digital device.

On May 28, 2008, a search was conducted at Optima University and Suliman’s computer and other items were seized. Proprietary test questions were found on the computer that the defendants had used in practice examinations provided to Optima University students.

If convicted, Suliman and Kuka each face a maximum potential penalty of 20 years in prison for each count of the Indictment, as well as a \$250,000 fine, or twice the gross gain or loss caused by the offenses.

U.S. Attorney Fishman credited special agents of the FBI, under the direction of Special Agent in Charge Ward in Newark, with the investigation leading to the Indictment.

The government is represented by Assistant U.S. Attorney Deborah J. Gannett of the U.S. Attorney’s Office Health Care and Government Fraud Unit in Newark.

The charges and allegations contained in the Indictment are merely accusations, and the defendants are presumed innocent unless and until proven guilty.

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Defense counsel: Kalman Geist Esq., West Paterson, N.J.